

MAR 14 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HECTOR MEDINA BURCIAGA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-72550

Agency No. A75-763-964

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 10, 2008^{**}

Before: T.G. NELSON, TASHIMA and BYBEE, Circuit Judges.

This is a petition for review from the Board of Immigration Appeals’
 (“BIA”) May 1, 2006 decision denying petitioner’s motion to reconsider.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have reviewed the record, petitioner's opening brief and respondent's motion for summary disposition. We conclude that summary disposition is appropriate because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The regulations provide that a party may file only one motion to reconsider any given decision, and such motion "must be filed with the Board within 30 days after the mailing of the Board decision." *See* 8 C.F.R. § 1003.2(b)(2). The BIA did not abuse its discretion in denying petitioner's motion, filed more than seven months after the BIA's June 25, 2005 decision denying petitioner's motion to reopen. *See Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003) (BIA's denial of a motion to reconsider is reviewed for abuse of discretion). Accordingly, respondent's motion for summary disposition is granted.

PETITION FOR REVIEW DENIED.